MEXUS PLAN

THE JOINT CONTINGENCY PLAN BETWEEN THE UNITED MEXICAN STATES AND THE UNITED STATES OF AMERICA REGARDING POLLUTION OF THE MARINE ENVIRONMENT BY DISCHARGES OF DYDROCARBONS OR OTHER HARZARDOUS SUBSTANCES.

FEBRUARY 25, 2000

MEXUS PLAN

U.S. Department of Transportation
United States Coast Guard

1. The Joint Contingency Plan between the United Mexican States and the United States of America regarding Pollution of the Marine Environment by Discharges of Hydrocarbons or other Hazardous Substances (MEXUS Plan) provides standard operational procedures in case of pollution incidents that may represent a threat to the coastal waters or the marine environment of the border zone of both countries. The Joint Contingency Plan derives of the obligation set forth in Article I of the Cooperation Agreement between the United Mexican States and United States of America regarding Pollution of the Marine Environment by Discharges of Hydrocarbons or other Hazardous Substances, signed in Mexico City, on July 24th, 1980.

2. The MEXUS Plan is developed in accordance with the provisions of the International Convention on Oil Pollution Preparedness, Response and Cooperation, adopted in London, on November 30, 1990.

3. The MEXUS Plan may be modified by mutual agreement of the Parties and the modifications shall be entered in the Record of Changues section.

The MEXUS Plan shall remain in force until superceded by another, or until one of the Parties decides to terminate it through a sixty day previus written communication.

Signed in Mexico, City, on 25 day of the year of two thousand, in two originals in the Spanish and English languages, both text being equally authentic.

FOR THE SECRETARY OF NAVY
OF THE UNITED MEXICAN STATES

Admiral
Manuel Garcia Carmona Santesteban
Chief of Mexican Navy's
General Staff

FOR THE UNITED STATES COAST GUARD

Vice Admiral
James C. Card
Vice Commandant

U.S. Department
of Transportation
United States
Coast Guard

MEXUS
PLAN

JOINT CONTINGENCY PLAN BETWEEN MEXICO AND THE UNITED STATES REGARDING POLLUTION OF THE MARINE ENVIRONMENT BY DISCHARGES OF HYDROCARBONS AND OTHER HAZARDOUS SUBSTANCES

PLAN
MEXUS

PLAN CONJUNTO DE CONTINGENCIA ENTRE MEXICO Y LOS ESTADOS UNIDOS DE AMERICA SOBRE CONTAMINACION DEL MEDIO AMBIENTE MARINO POR DERRAMES DE HIDROCARBUROS Y OTRAS SUBSTANCIAS NOCIVAS

RECORD OF CHANGES
REGISTRO DE CAMBIOS

CHANGE NUMBER NUMERO DE CAMBIO	ENTERED BY INSCRITO POR	DATE ENTERED FECHA DE INSCRIPCION

MEXUS PLAN
CONTENTS

100 INTRODUCTION

101 ABBREVIATIONS USED (ENGLISH-SPANISH)

ENGLISH / SPANISH	MEANING
ALC/CAE	ADVISORY AND LIAISON COORDINATOR
AOO/OOA	AIR OPERATIONS OFFICER
ART/TRA	ALTERNATIVE RESPONSE TECHNOLOGY
CGD8/CGD8	EIGHTH COAST GUARD DISTRICT
CGD11/CGD11	ELEVENTH COAST GUARD DISTRICT
COS/JEMG	CHIEF OF STAFF
CS/EM	COMMAND STAFF
GIS/SIG	GEOGRAPHIC INFORMATION SYSTEM
JIC/CIC	JOINT INFORMATION CENTER
JRT CHAIR/PERC	CHAIR OF THE JOINT RESPONSE TEAM
JRT/ERC	JOINT RESPONSE TEAM
MEXICO/MEXICO	UNITED MEXICAN STATES
MEXUS/MEXUS	JOINT CONTINGENCY PLAN BETWEEN MEXICO AND THE USA REGARDING POLLUTION OF THE MARINE ENVIRONMENT BY DISCHARGES OF HYDROCARBONS AND OTHER HAZARDOUS SUBSTANCES
MEXUSGULF/MEXUSGOLF	GULF COAST ANNEX OF THE MEXUS JOINT CONTINGENCY PLAN, APPLICABLE TO THE COAST OF THE GULF OF MEXICO IN BOTH COUNTRIES
MEXUSPAC/MEXUSPAC	PACIFIC COAST ANNEX OF THE MEXUS JOINT CONTINGENCY PLAN, APPLICABLE TO THE COAST OF THE PACIFIC OCEAN ON BOTH COUNTRIES
NCP/PNC	NATIONAL CONTINGENCY PLAN
OSC/CLI	ON-SCENE COORDINATOR

RCC/CCR	**RESPONSE COORDINATION CENTERS**
RRT/ERR	**REGIONAL RESPONSE TEAM**
SM-AM/SM-AM	**SECRETARIA DE MARINA- ARMADA DE MEXICO**
SSC/CAC	**SCIENTIFIC SCIENCE COORDINATOR**
USA/EUA	**UNITED STATES OF AMERICA**
USCG/USCG	**UNITED STATES COAST GUARD**
ZN-1/ZN-1	**FIRST NAVAL MILITARY ZONE**
ZN-2/ZN-2	**SECOND NAVAL MILITARY ZONE**

102 DEFINITIONS

102.1 **ACTION:** Any activity or measure that is necessary to counteract or combat a discharge of hydrocarbons or other hazardous substances into the ocean.

102.2 **BILATERAL AGREEMENT**: An accord that two governments sign and agree to carry out the actions described in the document.

102.3 **BIOLOGICAL ADDITIVES**: Microbiological cultivations, enzymes, or nutrient additives that are deliberately added to a hydrocarbon discharge, with the specific purpose of stimulating biodegradation and mitigating the effects of a discharge.

102.4 **INCINERATING AGENTS**: Additives which, through physical and chemical means, increase the combustibility of the materials to which they are applied.

102.5 **CHEMICAL AGENTS**: Elements, compounds or blends that coagulate, disperse, dissolve, emulsify, foam, neutralize, precipitate, oxidize, concentrate, gelify, encapsulate, fix, etc., making the contaminated mass more rigid or viscous, or changing the physical or chemical properties, in order to mitigate hazardous

effects, or facilitate the removal of contaminants.

102.6 **ENVIRONMENT**: The whole of natural and man-made elements that interact in a particular space and time.

102.7 **SENSITIVE AREAS**: Zones of the national coast where the occurrence of a discharge could cause serious damage, that in some cases could become a local or national catastrophe, and therefore requires special protection. Sensitive Areas include, but are not limited to, resources of high commercial, ecological, touristic, historical, or cultural value, that are sensitive to the presence of hydrocarbons or other hazardous substances and could be impacted by a discharge.

102.8 **POLLUTION**: The presence in the environment of one or more contaminants or a combination of them that could causes ecological dis-equilibrium.

102.9 **CONTAMINANT**: Any material or energy, in any of its physical states and forms, which upon incorporation or activation in the atmosphere, water, soil, flora, fauna or any natural element, destructively alters or modifies its composition and natural condition.

102.10 **CONTROL**: Inspection, observation, and application of necessary actions to prevent and mitigate the effects of a discharge.

102.11 **CONSERVATION**: The management and application of necessary means to preserve the environment and natural resources, without disturbing reasonable improvements.

102.12 **CONTINGENCY**: An event that may occur, causing a discharge of hydrocarbons or other hazardous substances in the ocean or surrounding coast line, which may have an environmental impact.

102.13 **DISCHARGE**: Any spill, exhaust, evacuation, overfill, escape, flow, emission or emptying of hydrocarbons or other hazardous substances, whose presence alters the natural conditions of the marine environment, affects the fauna and flora that lives in it, or damages resources or installations.

The term "discharge" for the purposes of this plan does not include:

102.13.1 Authorized and intentional disposal operations, in the sense given this term by the international Agreement on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, adopted in London November 13, 1972.

102.13.2 Discharge of hazardous substances authorized in the course of lawful projects or scientific investigation on the prevention and control of pollution in the marine environment.

102.14 **DISPERSANT**: Any chemical agent which causes oil on the water surface to break into small droplets.

102.15 **AQUATIC FLORA AND FAUNA**: The biological species and their biogenic elements that have water as their temporary, partial or permanent means of life.

102.16 **HYDROCARBONS:** Petroleum in all its forms. Includes, but is not limited to, crude oil, fuel oil, sludge, oil wastes, and refined products. Organic compound consisting of the elements carbon and hydrogen derived principally from petroleum , coal, tar, and plant sources.

102.17 **POLLUTION INCIDENT**: A discharge or substantial threat of a discharge of a pollutant of such a magnitude or significance that it may or does require an immediate response to contain, recover, or destroy the substance, to eliminate the threat or reduce to a minimum its effects on aquatic flora and fauna, the public health and well-being, and the marine environment.

102.18 **MAGNITUDE OF RESPONSE**: The size of response necessary to control, contain and recover pollutants in terms of manpower and equipment, and the capacity for storage and transportation of recovered product and waste to their final destination.

102.19 **MARINE ENVIRONMENT OF ONE PARTY**: Area of the sea, including the adjoining shoreline, on each side of

the maritime boundaries established with the other Party and other States and within 200 nautical miles of the baselines from which the breadth of its territorial sea is measured.

102.20 **RESPONSE OPERATIONS:** Actions to prevent, control, or mitigate a marine pollution incident by discharges of hydrocarbons or other hazardous substances, and minimizing the impact of the incident.

102.21 **RESTORATION**: All activities required to recover and reestablish conditions that are favorable to the evolution and continuity of natural environmental processes.

102.22 **HAZARDOUS SUBSTANCES**: Elements or compounds which, when discharged into the marine environment, present an imminent and substantial danger to public health or welfare or affect natural resources, including, among others, fish, shellfish, wildlife, plant life, shorelines and beaches.

102.23 **SPEED OF RESPONSE**: Rate at which actions are implemented in reaction to an incident or threat of incident. This rate is a function of the organization and training of personnel, adequate and expedient logistical support, and adequate planning of the response center.

102.24 **DISPOSAL**: The intentional introduction of wastes and other materials into the ocean by ships, aircraft, fixed and floating platforms and other structures in or on the ocean.

103 AUTHORITY

The 1980 Agreement of Cooperation Between the United States of America (USA) and the United Mexican States (MEXICO) Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances provides the foundation for the MEXUS Plan. The 1980 Agreement was published in the May 18, 1981 Official Log of MEXICO, and as 32 USA Treaties (UST) 5899, TIAS 10021, and entered into force on March 30, 1981.

The MEXUS Plan provides for bilateral cooperation in response to pollution incidents that could seriously affect

the coastal waters and coastal regions of both countries. The MEXUS Plan also applies to cases where the impact on the waters of one country would be of such magnitude that it would justify a request to the other country for assistance. Both situations would be coordinated under the concepts and operational provisions discussed in this Plan.

The coordination, implementation and maintenance of the MEXUS Plan is the joint responsibility of the United States Coast Guard (USCG) and the Secretaría de Marina-Armada de México (SM-AM). These authorities shall recommend to their respective governments the necessary means for controlling pollution incidents.

The SM-AM and the USCG may be assisted by other appropriate authorities or agencies of their respective governments (identified in Paragraph 104), in coordinating actions under the MEXUS Plan. Changes to the MEXUS Plan will be forwarded to the other Government at the time these changes occur.

A Joint Response Team(JRT) may be formed when authorities from MEXICO and the USA are activated to coordinate response actions. An incident specific JRT will include the authorities of both countries with responsibility for the area in which the incident occurs.

The MEXUS Plan recognizes the On-Scene Coordinator (OSC) of each country as the official with the primary operational responsibility to direct the response to an oil spill in the marine environment.

Figure 103.1 illustrates the integration of the federal agencies of both countries that will coordinate actions in the case of a pollution incident.

104 FEDERAL AND QUASI-OFFICIAL AGENCIES

104.1 ON THE PART OF MEXICO

SRE SECRETARIAT OF EXTERIOR RELATIONS

SHCP SECRETARIAT OF HOUSING AND PUBLIC CREDIT

SEMARNAP SECRETARIAT OF THE ENVIRONMENT, NATURAL RESOURCES AND FISHING

SCT SECRETARIAT OF COMMUNICATION AND TRANSPORTATION

SSA SECRETARIAT OF HEALTH

SG	SECRETARIAT OF INTERIOR
SAGAR	SECRETARIAT OF AGRICULTURE, CATTLE RANCHING AND RURAL DEVELOPMENT
PEMEX	MEXICAN PETROLEUM COMPANY
	BAJA CALIFORNIA STATE GOVERNMENT
	TAMAULIPAS STATE GOVERNMENT

104.2 ON THE PART OF THE USA

DOT	DEPARTMENT OF TRANSPORTATION
DOI	DEPARTMENT OF THE INTERIOR
DOC	DEPARTMENT OF COMMERCE
DOD	DEPARTMENT OF DEFENSE
USDA	DEPARTMENT OF AGRICULTURE
DHHS	DEPARTMENT OF HEALTH AND HUMAN SERVICES
DOJ	DEPARTMENT OF JUSTICE
DOS	DEPARTMENT OF STATE
DOE	DEPARTMENT OF ENERGY
DOL	DEPARTMENT OF LABOR
EPA	ENVIRONMENTAL PROTECTION AGENCY
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
GSA	GENERAL SERVICES ADMINISTRATION
	TEXAS STATE GOVERNMENT
	CALIFORNIA STATE GOVERNMENT

JOINT RESPONSE TEAM

COORDINATING ORGANIZATION IN MEXICO
SECRETARÍA DE MARINA-ARMADA DE MÉXICO
FEDERAL, QUASI-OFFICIAL AGENCIES AND STATE GOVERNMENTS
SRE SHCP SEMARNAP SCT
SSA SG SAGAR PEMEX
GOBIERNOS DE TAMAULIPAS Y BAJA CALIFORNIA

COORDINATING ORGANIZATION IN THE USA
ASSISTANT COMMANDANT FOR MARINE SAFETY AND ENVIRONMENTAL PROTECTION
RRT AGENCIES AND STATE REPRESENTATION
DOT DOI DOC DOD USDA DHHS
DOJ DOS DOE DOL EPA FEMA GSA
STATES OF CALIFORNIA AND TEXAS GOVERNMENTS

FIGURE 103-1

105 PURPOSE AND OBJECTIVES

The purpose of the MEXUS Plan is to provide standard operational procedures, in accordance with the 1980 Agreement, to coordinate bilateral responses to pollution incidents that occur in, or threaten, coastal waters or areas of the border zones between MEXICO and the USA and that could affect or threaten the marine environment of both parties. Response operations will be coordinated when both countries agree. Response objectives are to prevent, control, mitigate or eliminate the threat of an incident, to minimize adverse effects to the marine environment, and to protect public health and welfare.

The MEXICO JRT agencies are integrated with the SM-AM, seven Federal Agencies, one quasi-official agency, Mexican Petroleum Company (PEMEX), and the Governments of the States of Tamaulipas and Baja California. On the part of the USA, the JRT agencies consist of the USCG, the 13 Federal Agencies of the National and Regional Response Teams, and the State Governments of Texas and California.

An incident specific JRT will be activated as either the MEXUSPAC JRT or MEXUSGULF JRT, named for the coasts of the Pacific Ocean and the Gulf of Mexico. The incident specific JRT will include representatives from authorities that have specific responsibility for responding to pollution in the area of the incident.

For MEXICO the headquarters of the MEXUSPAC JRT is located in the Second Naval Zone (ZN-2) in Ensenada, B. C. and that of the MEXUSGULF JRT is located in the First Naval Zone (ZN-1) in Tampico, Tamps. On the part of the USA, the headquarters for the MEXUSGULF JRT is located in the Eighth U.S. Coast Guard District (CGD8) in New Orleans, Louisiana and the headquarters of the MEXUSPAC JRT is the Eleventh U.S. Coast Guard District (CGD11) in Alameda, California. The JRT includes both parties, and may have a Command Staff (CS), OSC and an Advisory and Liaison Coordinator (ALC).

Figure 105-1 illustrates an organizational chart with the Planning Concept that the MEXUS Plan will have.

PLANNING CONCEPT

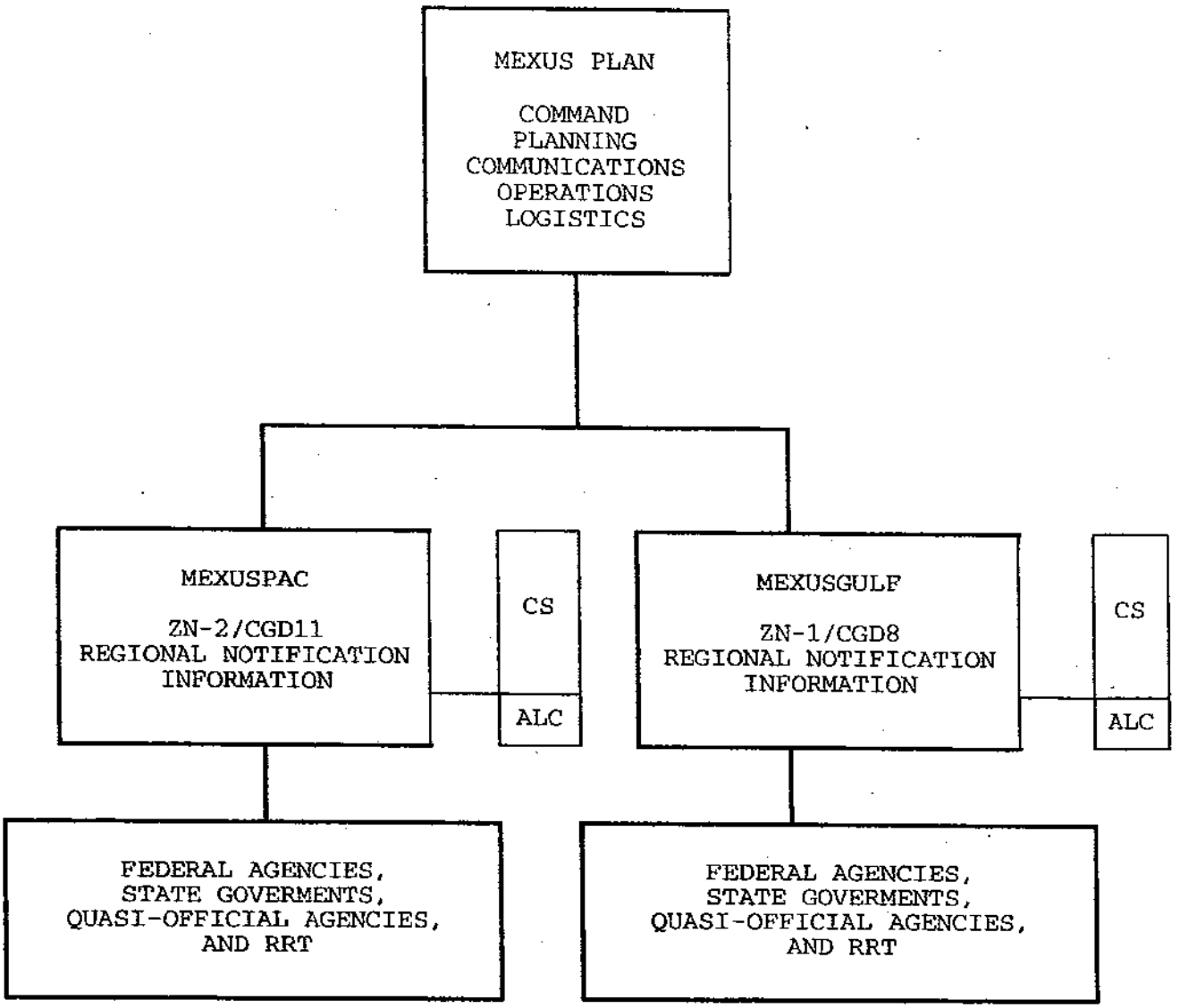

FIGURE 105-1

106 GEOGRAPHIC LIMITS

The MEXUS Plan applies to the areas of the marine environment of MEXICO and the USA where a pollution incident may impact both countries, as specified in paragraph 102.19.

107 RESPONSE SYSTEM AND POLICIES

MEXICO and the USA, in fulfillment of the 1980 Agreement of Cooperation regarding the pollution of the marine environment by discharges of hydrocarbons and other hazardous substances, agree to form a JRT with authorities and other agencies from their respective governments. The JRT will be coordinated by a Chair of the Joint Response Team (JRT CHAIR) from both MEXICO and the USA. The Mexican JRT CHAIR is designated by the SM-AM and the USA JRT CHAIR is designated by the USCG.

When a pollution incident occurs, the responsible OSCs will notify the JRT CHAIR of the type of incident, including: situation; action taken; future plans; recommendations; and the status of the case.

Bilateral coordination of government agencies with additional responsibilities during a pollution incident will be organized and accomplished by the JRT CHAIRs.

In order to facilitate direct liaison and information exchange, ALCs may be assigned. The OSC of each party will direct response actions, assisted by both ALCs.

The JRT CHAIRs will communicate with each other and decide, based on the reports and their estimation of the incident, whether or not it is appropriate to propose to their respective governments the activation of this Plan.

When both JRT CHAIRs agree on the initiation of a joint response, the Mexican JRT CHAIR will formally transmit the recommendation to the SRE, and the USA JRT CHAIR will formally transmit the same recommendation to the DOS of the USA.

This Plan does not affect the rights and obligations of the Parties under the treaties that are in effect for each Party, or their respective positions in relation to ocean rights.

The operative phases identified in the 1980 Agreement for the JRT are: PHASE I, Discovery, notification and alarm; PHASE II evaluation of the incident and consultation and agreement over the joint response; PHASE III, containment and measures against the spread of the pollutant; and PHASE IV, cleanup and recovery.

Joint response coordination may be terminated unilaterally by either party after consultation between the JRT CHAIRs.

200 COMMAND LEVELS AND COORDINATION

201 GENERAL ISSUES

The MEXUS Plan establishes a unified MEXICO and USA JRT. In MEXICO, the OSC will be the Commander of the ZN-1 if MEXUSGULF is activated, and the Commander of the ZN-2 if MEXUSPAC is activated. In the USA, the OSC will be appointed by the Chief of the Marine Safety Division of the CGD8 for MEXUSGULF; and by the Chief of the Marine Safety Division of the CGD11 for MEXUSPAC.

The members of the CS and the ALC will be designated by their respective OSCs and will report to them.

When the JRT meets in MEXICO, the Mexican JRT CHAIR will preside and when it meets in the USA, the USA JRT CHAIR will preside.

Figure 201-1 establishes the lines of Command of the MEXICO JRT and Figure 201-2 those of the USA JRT.

MEXICO JOINT RESPONSE TEAM

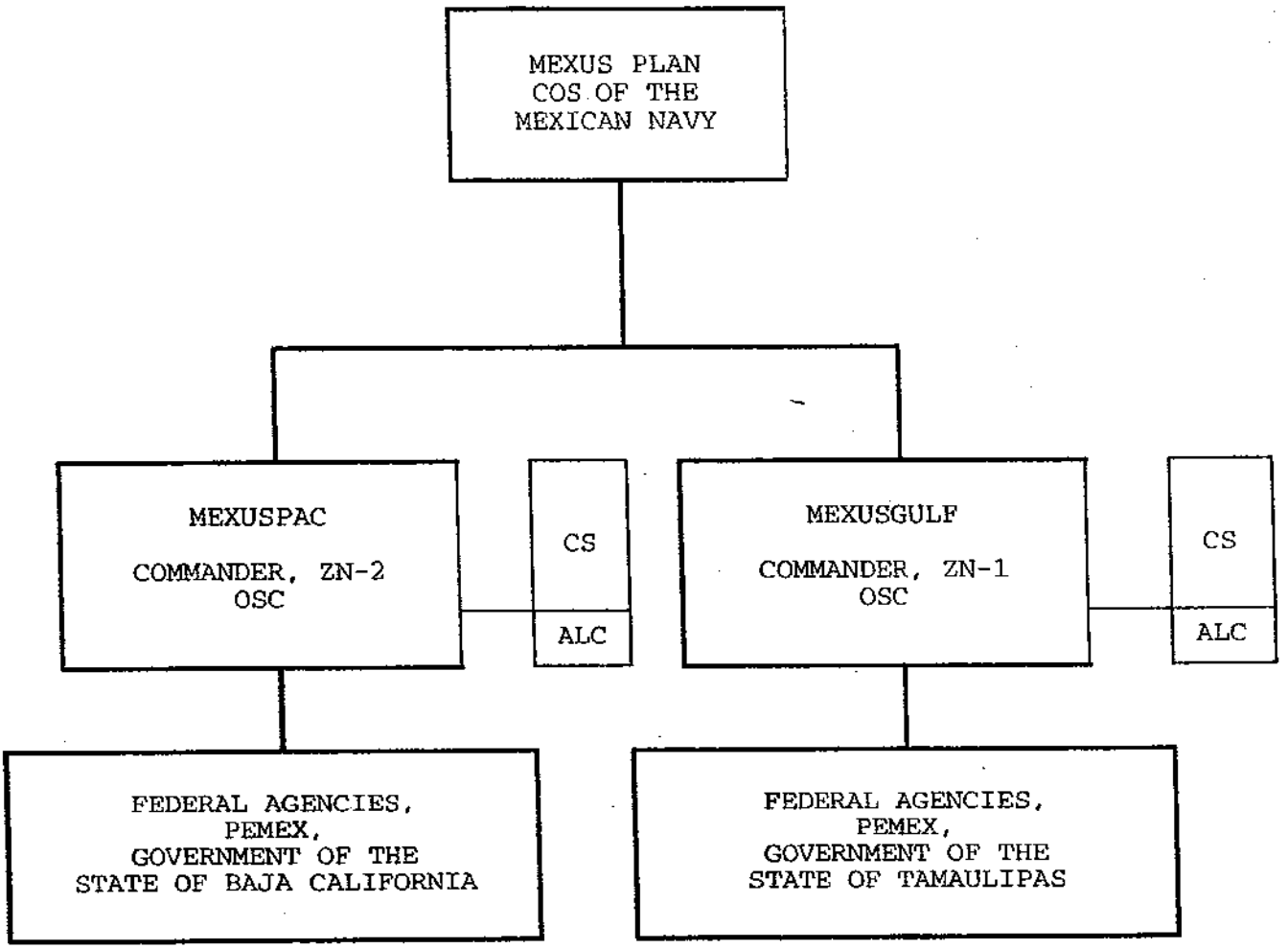

FIGURE 201-1

USA JOINT RESPONSE TEAM

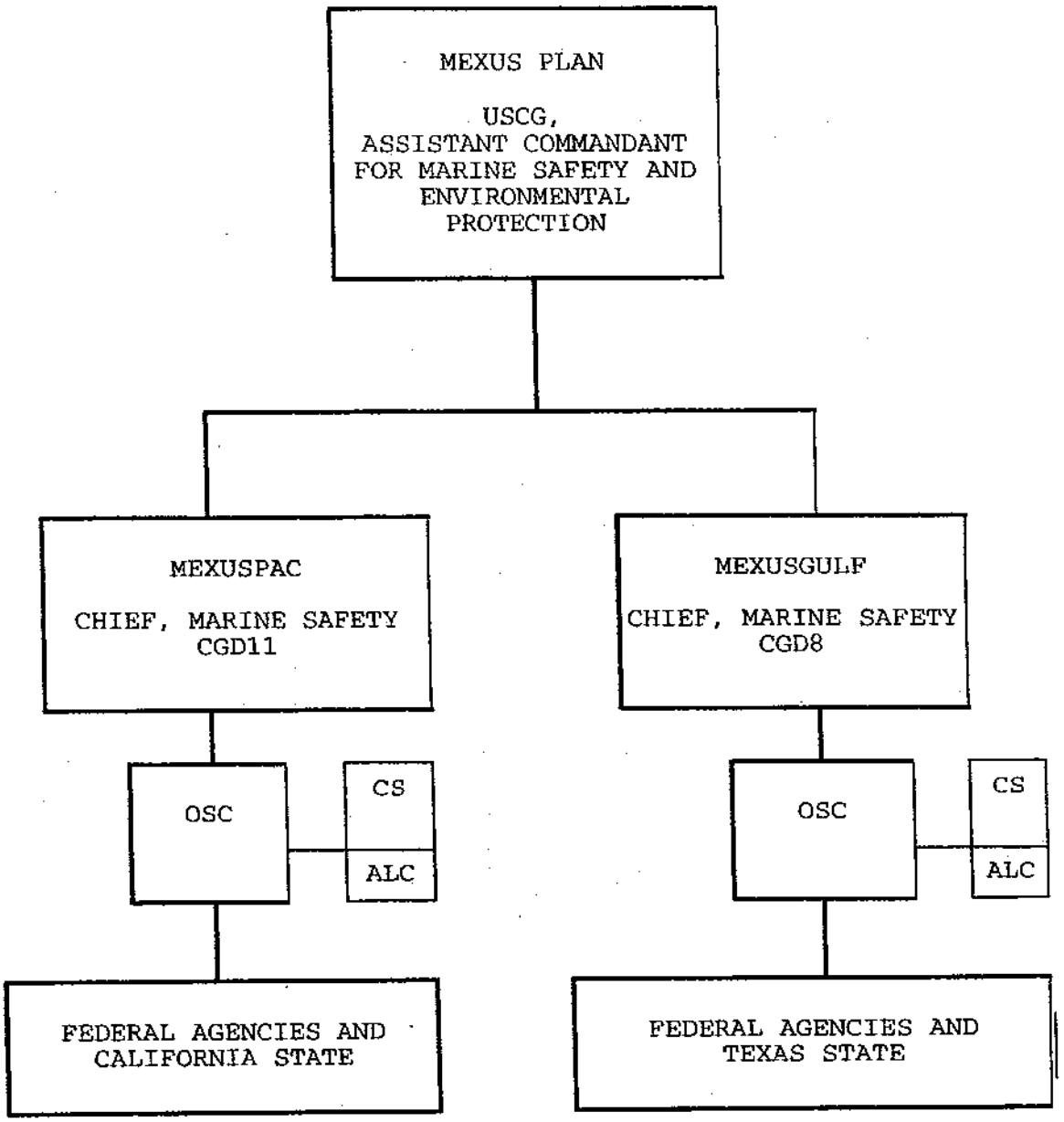

FIGURE 201-2

202 JOINT RESPONSE TEAM

The functions and responsibilities of the JRT include, but are not limited to:

202.1 Advise the OSC and put into effect bilateral coordination.

202.2 Recommend to the JRT CHAIR of the other Party the formal proposal for initiation of joint response coordination, and communicate through diplomatic channels the incident specific agreement for initiating coordination of bilateral response.

202.3 Determine priorities and decide the moment for initiating the phases included in this Plan, evaluate the measures taken by the OSC and make appropriate recommendations after the agreement for initiating a joint response to a specific pollution incident is accomplished.

202.4 If response action is required in areas of both the parties, the JRT CHAIRs will coordinate the measures to adopt, evaluating the possible impacts of the pollution incident and recommending the necessary actions to prevent and evaluate its adverse effects.

202.5 Make arrangements to coordinate and maximize use of the resources.

202.6 Recommend and prepare a final report with the advice of the OSC and the ALC, and make recommendations to improve the MEXUS Plan or the 1980 Accord for future incidents in light of the experience obtained.

203 ON-SCENE COORDINATOR

The functions and responsibilities of the OSC include, but are not limited to:

203.1 Coordinate and direct aspects related to detection, notification, alarm and incident response operations.

203.2 Notify by the most rapid means the two JRT CHAIRs regarding any pollution incident that has occurred, or that is a substantial risk of occurring, that may have adverse effects on the marine environment of both parties, or that would be of such magnitude that, in his judgment, may require the initiation of joint response coordination. The authorities notified in this manner will immediately acknowledge receipt and will directly coordinate incident information.

203.3 Agree on and direct the exchange of ALCs that will assist the OSC during a pollution incident.

203.4 Authorize the use of Alternative Response Technology (ART), including the use of dispersants, *in situ* burning, bioremediation, shoreline cleaning agents, or other chemical product in accordance with the national policy of each country, taking into consideration that such use must:

203.4.1 Prevent or substantially reduce the risk to human life and health, or the risk of fire;

203.4.2 Prevent or reduce the threat to a significant segment of the population, to highly sensitive natural resources, to a highly vulnerable species of wildlife or to endemic aquatic species.

203.5 Determine the facts of the incident situation, including but not limited to: the nature, quantity and location of the contamination; the direction and probable movement of the pollutant and the available and necessary resources; and provide supplementary information for determining the potential impact on human health and public welfare, on natural resources including fish, plant life, and wildlife and their habitats, and on the areas that could be seriously affected.

203.6 Determine priorities and recommend that the JRT CHAIR formally propose the initiation of incident specific bilateral response coordination as provided in Paragraph 402.2.

203.7 Inform the JRT in detailed form regarding all aspects of the incident and of the response operations.

203.8 Recommend to the JRT CHAIR the termination of the joint response action.

203.9 Maintain a log of the events that occur during the application of the plan and provide this information to the JRT.

203.10 Determine the official information that will be presented to the media, including the coordination

of press bulletins and interviews or news conferences.

203.11 Upon completion of a response, the OSC of the country in which the incident control operations took place, assisted by the CS and ALC, will compose a final report and recommendations for improving the coordination of the bilateral response to future incidents that will include, but not be limited to:

203.11.1 Description of the cause and of the initial situations;

203.11.2 Organization of the response action and the measures taken;

203.11.3 Effectiveness of the response and the cleaning actions undertaken by;

203.11.3.1 The party responsible for the pollution incident;

203.11.3.2 The local and state forces;

203.11.3.3 The federal agencies, PEMEX, and special teams.

203.11.4 Problems of a special character encountered.

203.11.5 Recommendations regarding:

203.11.5.1 The means to avoid a recurrence;

203.11.5.2 Improvements to response actions;

203.11.5.3 Changes to the MEXUS Plan.

204 ADVISORY AND LIAISON COORDINATOR

The ALC is assigned to report to the OSC in the location where a pollution incident has occurred. The ALC facilitates the necessary exchange of information and coordination between the OSCs and the JRTs. Once the exchange of the ALCs has been accomplished by the OSC, the ALC will normally serve as part of the CS of the OSC of the other country.

The functions of the ALC include, but are not limited to:

204.1 Participation in the exchange of ALCs reporting to a Command Post of the OSC of the other party or in another specific locale.

204.2 Coordination of the interchange of Incident specific information as it is designated or ordered by the OSC.

204.3 Coordination of the interchange of information related to the availability of resources and technical assistance.

204.4 Coordination of the development of bilateral response in support of the OSC and the JRT.

204.5 Coordination of the development of official information regarding the incident, including materials for the media, press conferences, and others approved by the OSC and the JRT.

204.6 Making recommendations to the OSC concerning necessary measures to improve the bilateral coordination, liaisons and other operational objectives.

204.7 Making recommendations concerning changes to the MEXUS Plan, in order to update procedures.

205 OSC COMMAND STAFF

The OSC will activate and direct the positions of the CS including, but not limited to:

205.1 The Safety Officer who is responsible for the safety of personnel working on the response to the pollution incident, and the safety of the general public.

205.2 The Information Officer who is responsible for granting and giving official information to the media and the other participating agencies.

205.3 The Liaison Officer who is responsible for liaison between agencies. The ALC normally serves as part of the CS of the OSC and may be assigned to report directly to the Liaison Officer of the OSC.

205.4 The Air Operations Officer (AOO) who is responsible for coordinating air operations when they are required.

206 RESPONSE COORDINATION CENTERS (RCC)

Predetermined RCCs are identified in the MEXUSGULF and MEXUSPAC Annexes. When necessary, the OSC will designate a Command Post for a specific incident.

A RCC must consider the magnitude and speed of response.

300 PLANNING

301 SITUATION

Given the geographic relationship of MEXICO and the USA, there is a need for a mechanism to counteract or combat a discharge of hydrocarbons or other hazardous substances into the ocean that coordinates the national efforts of both countries and allows the development of a timely response to pollution incidents that threaten the marine environment.

Each country will communicate and update information that permits a coordinated response to the threat of contamination in accordance with the established procedures for Communication. Both parties will establish protection priorities in national waters in the MEXUSPAC and MEXUSGULF Annexes, depending on the existing sensitive areas.

The situation reports must communicate, but are not limited to:

301.1 The location of the incident, including its position and common references to geographical points.

301.2 The identification of the discharged products including estimation of volume, size of the spill, distances impacted and the appearance of the product.

301.3 Details regarding the source of the incident, including the status of all ships or installations involved.

301.4 Observations and predictions of the local weather.

301.5 Information regarding the sensitive areas impacted or threatened.

301.6 Predictions of possible future movements of discharges, projections of scientific models, information regarding trajectories and estimation of possible impacts.

301.7 Information that describes the actual effectiveness of the response efforts to date and summaries of future operations.

301.8 Maps, charts, statistical data, photographic documentation and videos that describe the incident.

302 RESPONSE CONDITIONS

Each country will maintain a list of all its resources and available teams, which will be connected to the MEXUSPAC and MEXUSGULF Annexes, to combat the threat of a pollution incident.

303 INFORMATION

Each country is responsible for maintaining information relative to the response to the pollution incident and will agree to exchange information when the operations are of mutual interest. Mutual interest exists when the magnitude and geographic position of the pollution incident could affect both countries.

304 DEMOBILIZATION (END OF THE OPERATION)

In the case of a pollution incident that could affect both countries, the decision to terminate the operations undertaken and to demobilize the JRT, may be made by the JRT CHAIRs, under joint or unilateral recommendations from the OSC and the ALC.

305 TECHNICAL ADVICE

Each country may assign as many technical advisors as the OSC considers necessary, based on the requirements of the pollution incident and the need to coordinate technical exchange.

The technical specialists that may be utilized in a hydrocarbon or chemical discharge include, but are not limited to:

305.1 Scientific Support Coordinator (SSC): Assigned as the direct representative of the OSC for coordinating technical and scientific experts.

305.2 Meteorologists: Assigned to observe and predict the weather and ocean conditions during a specific incident.

305.3 Oceanographers: Assigned to provide physical, chemical and biological expertise including trajectory models and resources at risk.

305.4 Specialists in response technologies: Assigned to plan, evaluate and document the use of ART, including *in situ* burning, dispersants, bioremediation, coastal cleaning agents, and other chemical products.

305.5 Geographic Information Systems (GIS) Technicians: Assigned to maintain and prepare charts, maps and graphics generated by computer, and statistics for the assessment of the OSC.

305.6 Disposal specialists (Waste management): Assigned to develop the coordinated waste management plan, that specifies the aspects of collection, sampling, monitoring, temporary storage, transportation, recycling and disposal of all waste materials resulting from the response to the incident.

305.7 Sampling specialists: Assigned to prepare a sampling plan for the collection, documentation, storage, transportation, interchange and sending to laboratories equipped for analysis and storage of the samples collected in the incident.

306 MEETINGS AND EXERCISES

Each country agrees to participate in coordination meetings, at least once a year on each coast, to discuss updating the Plan, analyze pollution incidents that have occurred, plan exercises and discuss other relevant issues.

Each country will distribute information regarding courses to improve the training of pollution response personnel.

400 OPERATIONS

401 RAPID NOTIFICATION

Direct communication of incident notification is essential and must be accomplished by the most rapid and effective methods. Use of the telephone, facsimile, radio, and computer networks to rapidly communicate the incident notification is authorized and encouraged. Official message traffic may be delivered using both facsimile and normal transmission networks to insure direct communication.

When an OSC is informed of an incident which may require rapid notification, the first objective is to establish direct communications and provide incident situation information. A system of rapid notification protocols have been developed to allow the OSC to immediately establish communications and provide information in a standard format. Specific incident details in the form of an Initial Incident Message following the format documented in each Geographic Annex must be sent as soon as possible after the initial notification of a pollution incident.

Five Notification Conditions are defined for rapid notifications. The five Notification Conditions are:

ONE: UNCERTAINTY ——— CONDITION UNKNOWN

TWO: CONFIRMED MINOR ——— CONDITION SMALL

THREE: POTENTIAL MAJOR ——— CONDITION POSSIBLE

FOUR: CONFIRMED MAJOR ——— CONDITION MAJOR

FIVE: CONFIRMED WORST CASE - CONDITION VALDEZ

The rapid notification protocols should be transmitted immediately to initiate rapid notification. The format of the rapid notification protocols is intended to be transmitted without any changes. Incident specific information will normally follow after rapid notification is established.

The OSC is authorized to send an ALC to the site of the incident to facilitate information exchange during the rapid notification process. This exchange of ALCs during rapid notification is intended for information exchange only and may take place in advance of a formal decision to initiate the bilateral coordination under the Agreement.

In all cases, the OSC is responsible to notify the cognizant JRT CHAIR.

402 OPERATIONS NOTIFICATION

All messages that are sent to coordinate the information and operations of the JRT will contain a date/time group (the date and hour will occupy six digits that will indicate the day of the month, the hours and minutes, second, the letter "Z" that signifies Greenwich mean time), the month, group of four numbers that will indicate the year, number of the message, message originator, addressee, topic and any other details that are considered necessary.

The types of messages that are utilized will be:

402.1 INITIAL NOTIFICATION MESSAGE

The OSC of one party, after locating or discovering the existence of any pollution incident that could affect or threaten the marine environment of the other party, will notify without delay the OSC of the other country. After referencing or transmitting the appropriate Rapid Notification Protocol, the OSC will send an Initial Notification Message. The JRT CHAIR will coordinate the information contained in the Initial Notification Message with the JRT CHAIR of the other party and to evaluate the need to initiate bilateral response coordination.

The message will contain the following in the subject line:

"MEXUS DISCHARGE" or "POTENTIAL MEXUS DISCHARGE" with a brief description of the incident, in accordance with the format provided in each Annex. The message shall solicit an acknowledgment of receipt.

402.2 INITIATION OF REGIONAL COORDINATION

The recommendation to initiate a joint response may be formally proposed only by the JRT CHAIR of the country in which an incident originates. This decision will be based upon consultation with the OSC, the ALC and the JRT. This initial proposal may be made by telephone.

If the JRT CHAIRs agree to recommend activation to their respective governments, the Mexican JRT CHAIR will send his recommendation to the SRE, and his counterpart will send the same recommendation to the DOS, so that they may give notice of the formal initiation through diplomatic channels.

The subject line of the message will contain the following:

THE JRT CHAIRS PROPOSE THE INITIATION OF A JOINT RESPONSE, after which will be noted the title of The OSC and the location of the RCC along with the information identifying the incident.

402.3 MESSAGES FOR COMMUNICATIONS DURING THE RESPONSE OPERATION

These message subject line will state "SITUATION REPORT" or "SITREP" and will be formulated by the OSC responsible for the location at which the pollution incident is occurring. The frequency of SITREP messages shall be adequate to provide all interested parties a complete description of the situation, the measures taken, future plans, recommendations and requests for assistance. This will permit efficient administration of resources and a satisfactory response action.

The subject line of this message will contain the following:

"MEXUS SITREP" followed by a sequential number (which will correspond to the number of "SITREP" messages sent). The incident will be described with the following information:

402.3.1 SITUATION

Provide full details describing the pollution incident, including the nature of the casualty, the type and the quantity of pollutant, the participating agencies, the areas covered or threatened or both, the success of the control efforts, the forecast and any other pertinent data.

402.3.2 ACTION TAKEN

Include a summary of all actions taken in relation to the spill until the present moment by the party responsible for the pollution incident, the local forces, and government and non-governmental agencies.

402.3.3 FUTURE PLANS

Include all the projected actions for the immediate future.

402.3.4 RECOMMENDATIONS

Include any recommendations made by the OSC relative to the response actions, including requests for assistance.

402.3.5 STATUS OF THE CASE

Indicate: "CASE CLOSED", "CASE PENDING", or "PARTICIPATION TERMINATED", according to the appropriate case status.

402.4 JOINT RESPONSE TERMINATION MESSAGE

A joint response may be terminated after consultation between the JRT CHAIRs. Termination may be a joint or a unilateral decision.

The subject of a termination message will be the following:

"MEXUS JRT" ACTIVATION TERMINATED AT ... HOURS "Z" (Greenwich Mean Time).

403 OPERATIONAL COMMUNICATIONS

Communications during the operation of the JRT will be in the English and Spanish languages.

For operational communications, the established channels that are identified in the Communications Plan will be used. The first method for establishing communication will be the telephone. A listing of involved agency telephone numbers is provided in Section 800 of the MEXUSGULF and MEXUSPAC Annexes.

The communication of a message to the other party indicating the presence of a pollution incident will begin with the word "POLLUTION" (CONTAMINACION), that will indicate that a report of a discharge follows.

When clear communication of a message is not possible, it will be transmitted in international phonetic alphabet. To that end, both countries must have personnel who are trained to receive and interpret the messages.

When both MEXICO and USA have agreed to activate the cooperation agreement in order to respond to a pollution incident, they have agreed that all correspondence will be sent through the USCG Attaché assigned to the U.S. Embassy in Mexico City. The USCG Attaché will coordinate correspondence by the most rapid channels possible.

types of coastlines to optimize cleaning

Both countries must rely on bilingual personnel who are ready to provide translation services during telephone messages. The use of international telephone translation services may be authorized to coordinate information.

The OSCs in each area during a pollution incident response operation will develop their respective methods for communications in accordance with their capabilities.

404 RECOVERY METHODS

404.1 MECHANICAL RECOVERY

The OSC will direct efforts to mechanically contain and recover any discharge in accordance with the policy of the National Contingency Plan (NCP) of each Party. The movement and coordination of skimming vessels and other mechanical recovery devices will be evaluated by the OSC, taking into account any recommendation for employing ART.

404.2 COASTAL CLEANING

Coastal cleaning will be accomplished using methods appropriate to the specific characteristics of the coast and the nature of the product discharged.

404.3 ALTERNATIVE RESPONSE TECHNOLOGY

ART includes all methods for incident operations that are not traditional mechanical containment and recovery devices, or absorbent/adsorbent materials. The NCP of each Party contains requirements and specific procedures that must be employed if the OSC determines that the use of ART is appropriate for a specific incident. The OSC must notify the cognizant JRT CHAIR of the decision to use ART.

Categories of ART include but are not limited to:

404.3.1 *In situ* Burning- Incineration of the product in the environment.

404.3.2 Chemical countermeasures- Includes dispersants, surfactants, cleaning agents and collection agents.

404.3.3 Bioremediation- The use of active biological agents as well as enrichment with nutrients to accelerate the natural biological decomposition of the product

404.3.4 Coastline Cleaning Agents- Chemical counter-measures applied to specific

404.3.5 Mechanical Catalysts- The use of micro-pearls, specifically designed nanocatalysts and other materials to accelerate the decomposition of the product.

404.3.6 Sinking Agents- Materials that cause the product to sink. THE USE OF SINKING AGENTS IS SPECIFICALLY PROHIBITED BY THE NCPs OF BOTH COUNTRIES.

405 AIR OPERATIONS

The coordination of air operations during an incident may require aircraft clearance procedures, coordination of operations and support for the aircraft and their crew. The OSC shall request that an AOO be assigned to coordinate air operations during an incident.

Fixed-wing aircraft and helicopters employed during an incident will be directed by the OSC and can include:

405.1 Overflights to report the position, size, areas of impact and appearance of the discharge. Overflights can use visual methods, or detection through infrared, microwaves, radar, and other observation techniques. Technical specialists can be required to support, operate, observe, interpret or transmit observations.

405.2 Logistics flights can be used to transport equipment, personnel, or provisions.

405.3 Aircraft of both governments must obtain country clearances before entering the airspace of the other Party. Existing procedures shall be used to obtain clearances for civilian and military aircraft.

406 REHABILITATION OF NATURAL RESOURCES

406.1 SENSITIVE AREAS

The OSC will coordinate identification and will assign priorities to sensitive areas that may be impacted by an incident. The categories for sensitive areas may include:

406.1.1 Safety of human life and health.

406.1.2 Environmentally sensitive areas.

406.1.3 Economically sensitive areas.

406.1.4 Cultural, historic or archaeological sites.

406.2 NATURAL RESOURCES

The natural resources impacted by an incident may require technical and biological specialists for the rescue, handling, immediate care, transport, cleaning and rehabilitation of affected animals. Coordination of bird and mammal rescue and cleaning operations may require the OSC to assign technical specialists, to establish facilities for the rehabilitation of wildlife, and to provide continual care for a wide number of affected animals.

The coordination of statistical information that describes the impact of the incident on natural resources must be accomplished through the ALC.

406.3 ASSESSMENT OF DAMAGE TO NATURAL RESOURCES

Each country may conduct its own assessment of damage to natural resources. The country teams assigned to conduct this independent evaluation will coordinate with the OSC. Their requirements may include information regarding the incident, access to the scene of the incident, transportation and other requirements. The OSC may assign a Technical Specialist to coordinate the requirements for personnel evaluating the damage to natural resources.

500 LOGISTICS

501 COMMUNICATIONS

The communications facilities of the SM-AM and the USCG will be the primary means of communication. The support and communications facilities must be coordinated to avoid any interference that would affect the response operations.

502 MEDICAL

The participating agencies must coordinate the development of a Medical Plan in order to guarantee that response workers from both countries receive medical assistance directly and immediately in the case of wounds or illness. Medical facilities and personnel are assigned to provide medical attention during an operation and to provide care and assistance to those injured in the incident, although these personnel are not generally available to deliver medical services to the general public.

503 SUBSISTENCE

Each country shall be responsible for providing lodging, food, and potable water to its personnel during an operation. Therefore, preparations must be made to plan and coordinate requirements to meet these needs.

504 TRANSPORTATION

Transportation service will be coordinated in order to give support to the response actions. The coordination of special customs and immigration procedures for personnel and equipment require special attention. The transportation of equipment and personnel may require the scheduling and coordination of ground-transport vehicles, ships or aircraft.

504.1 TRANSBOUNDARY MOVEMENT OF PERSONNEL AND EQUIPMENT

During the response to a discharge, it may be necessary to transport personnel and equipment across international borders. In the event of a transboundary incident or one which could affect waters adjacent to the border, requiring joint response operations or assistance, each Party will take measures to immediately initiate established clearance procedures for the transboundary movements of response resources (special entry permits). Details regarding specific

procedures, and places for border-crossing must be coordinated with immigration and customs officials.

504.2 STANDARD PROCEDURES

To coordinate the requirements of border-crossing, the customs supervisor responsible for the point of entry and the supervisor for naturalization and immigration services in the border-crossing station must be contacted in advance. Clearance procedures for the transboundary movement of response resources shall be detailed in the Annexes.

505 SERVICES

Services will be coordinated to support the response operations. These services could include establishment of RCC, support services, communication centers, remote operations bases or camps, wildlife rehabilitation services or any other service facilities that could be required for the response operations.

506 SUPPLIES

Each participating agency will be directly responsible for accomplishing their own required internal support. Requests for and transportation of supplies, response equipment and personnel should be planned and coordinated to the extent possible. The delivery of supplies, equipment and personnel across the international border must be coordinated beforehand in order to avoid operational delays.